

REMARKS

This submission is in response to the Final Official Action mailed June 17, 2003. Reconsideration of the above identified application, in view of the above amendments and the following remarks, is respectfully requested.

I. Status of the Claims

Claims 1-12 are pending.

Claims 1, 8, 11, and 12 have been amended.

Claims 1-7 and 9-11 stand rejected.

Claims 8 and 12 are objected to.

No new matter has been added.

The Examiner has objected to the typographical error in claim 11. Applicant respectfully submits that claim 11 has been amended to change "portion" to "portions", as suggested by the Examiner. Hence, Applicant respectfully requests that this objection be withdrawn.

II. Acknowledgement of Allowable Subject Matter

Applicant would like to thank the Examiner for the acknowledgement of allowable subject matter in claims 8 and 12.

The Examiner has rejected claims 8 and 12 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that there is insufficient antecedent basis for "said second diameter of said second stopper supporting member" in claims 8 and 12 and recommends amending the claims to recite, "said second diameter of said stopper supporting member." Applicant assumes that the Examiner is pointing to the phrase "said second diameter of said second end of said stopper supporting member" in claim 8, lines 28-29, and claim 12, lines 4-5, in the enclosed Listing of Claims.

Claim 12, which depends from claim 9, has been amended to correct the antecedent basis in the claim. Specifically, claim 12 has been amended to state "a second diameter of said second facing end of said second stopper supporting member being substantially the same diameter as a first diameter of said first

facing end of said stopper supporting member." "Said second facing end of said second stopper supporting member" finds antecedent basis in claim 9, lines 21-22, and "said first facing end of said stopper supporting member" finds antecedent basis in claim 9, lines 19-20.

Applicant respectfully submits that claims 8 and 12 have been amended to provide sufficient antecedent basis, and it is requested that the rejection be withdrawn. Reconsideration is respectfully requested.

IV. 35 U.S.C. § 103(a) Rejection

Claims 1-7 and 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Admitted Prior Art of Figs. 5, 6, and 11 of the present Specification in view of U.S. Patent No. 2,282,295 to Olson. The rejection is respectfully traversed, and reconsideration is requested.

The Examiner states that the Admitted Prior Art shown in Figs. 5, 6, and 11 teaches a stopper device of a telescopic unit where a second tubular member projects from a first tubular member. The Examiner contends that the Admitted Prior Art discloses all of the elements of the claimed invention except for tapered stopper supporting members forming a continuously tapered shape. The Examiner also contends that Olson discloses a clamping member having a tapered shape, as shown in Figs. 1, 4, and 5, and that it would be obvious to one of ordinary skill in the art to modify the stopper supporting member of the Admitted Prior Art to taper from top to bottom.

With regard to claim 9, Applicant respectfully submits that the Examiner has not made a case of *prima facie* obviousness since Olson and the Admitted Prior Art both fail to disclose "said first facing end [of the first stopper supporting member] and said second facing end [of the second stopper supporting member] having substantially the same outer dimensions," as stated in claim 9. Olson fails to disclose more than one stopper supporting member. The Examiner contends that Olson's clamping member 36 serves as the stopper supporting member of the present invention. However, if one were to assume that Olson's clamping member 36 serves as the stopper supporting member of the present invention, then Olson does not include "a second stopper supporting member, fitted to an outer surface of said second tubular member, supporting said second stopper; a first facing end of said first stopper supporting member facing said second stopper supporting member," as required in claim 9, as amended. Furthermore, Olson does not disclose two clamping members 36, with one clamping member 36 facing the other clamping member 36. Moreover, Olson fails to disclose two stopper supporting members whose facing ends have substantially the same outer dimensions. The Examiner has acknowledged, on page 4 of the Office Action dated June 17, 2003, (Paper No. 11) that "[the prior art of record] fails to further teach or suggest the first diameter of the first end of the second stopper supporting member being substantially the same diameter as the second diameter of the stopper supporting member." Thus, claim 9 is also patentable over the prior art of record for stating that the facing ends have substantially the same outer dimensions, e.g., the same

diameter or another type of dimension for other types of shapes as described in the Specification on page 18, line 12, to page 19, line 2. Thus, Olson fails to disclose all of the elements of the present invention, as set forth in claim 9. Claims 10 and 11 depend from claim 9 and are therefore also patentable for at least the same reasons.

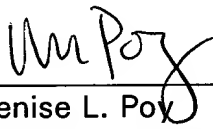
Thus, the prior art fails to disclose or suggest all of the elements of claims 9-11 of the present invention, and it cannot render the claims obvious. Applicant respectfully submits that the Examiner has not made a case of *prima facie* obviousness.

Claim 1 has been amended to more clearly describe the present invention. Specifically, claim 1 has been amended to recite, "at least a second stopper supporting member fitted to an outer surface of said second tubular member." As stated above, if one were to assume that Olson's clamping member 36 serves as the stopper supporting member of the present invention, then Olson does not include a second stopper supporting member as described in claim 1. Furthermore, claim 1 has also been amended to recite that the second end of the stopper supporting member has substantially the same outer dimensions, e.g., the same diameter or another type of dimension for various types of stopper supporting members, as a third end of the second stopper supporting member. As stated above, the Examiner has acknowledged that the prior art of record fails to teach or suggest the first diameter of the first end of the second stopper supporting member being substantially the same diameter as the second diameter of the stopper

If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Dated: September 8, 2003

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Creation date: 03-03-2004
Indexing Officer: DSHEA - DUNCAN SHEA
Team: OIPEBackFileIndexing
Dossier: 09852225

Legal Date: 09-25-2003

No.	Doccode	Number of pages
1	CTAV	3

Total number of pages: 3

Remarks:

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